



**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions for Week of October 8, 2012

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#12-102 *People v. Palmer, S204409*.** (H036979; nonpublished opinion; Santa Clara County Superior Court; C1094540.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) Is a claim that the trial court failed to establish a factual basis for defendant's plea within the meaning of Penal Code section 1192.5 not cognizable on appeal where defense counsel stipulated to a factual basis for the plea? (2) If the claim is cognizable, did defense counsel's bare stipulation to a factual basis without reference to any document describing the facts sufficiently establish a factual basis?

**#12-103 *Patterson v. Domino's Pizza, LLC, S204543*.** (B235099; 207 Cal.App.4th 385; Ventura County Superior Court; 56-2009-00347668-CU-OE-SIM.) Petition for review after the Court of Appeal reversed the summary judgment in a civil action. The court limited review to the question discussed in the Court of Appeal's opinion, namely, whether the defendant franchisor is entitled to summary judgment on plaintiff's claim that it is vicariously liable for tortious conduct by a supervising employee of a franchisee.

**#12-104 *Valdez v. Workers' Comp. Appeals Bd., S204387*.** (B237147; 207 Cal.App.4th 1.) Petition for review after the Court of Appeal annulled a decision of the Board. This case presents the following issue: Does Labor Code section 4616.6 exclude from evidence reports of a treating physician obtained by an applicant outside of his or her employer's Medical Provider Network?

### DISPOSITIONS

The following cases were transferred for reconsideration in light of *Pinnacle Museum Tower Assn. v. Pinnacle Market Development (US), LLC* (2012) 55 Cal.4th 223:

***#11-44 Villa Vicenza Homeowners v. Nobel Court Development, S190805.***

***#11-100 Diaz v. Bunkey, S194150.***

***#12-12 Promenade at Playa Vista Homeowners Assn. v. Western Pacific Housing, Inc., S198722.***

***#12-85 Verano Condominium Homeowners Assn. v. La Cima Development LLC, S202596.***

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